

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:12cv137**

<b>RAYFORD LEWIS BURKE,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>KENNETH E. LASSITER, Warden,</b>	)	
<b>Central Prison</b>	)	
<b>Raleigh, North Carolina,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**THIS MATTER** is before the Court upon Petitioner Rayford Lewis Burke's Motion to Hold Federal Habeas Proceedings In Abeyance Pending Exhaustion of State Remedies. (Doc. No. 4.)

Burke filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in this Court on August 31, 2012. (Doc. No. 1.) He seeks an order staying the proceedings and holding his Petition in abeyance pending exhaustion of facts and legal issues raised in his Motion for Appropriate Relief ("MAR") filed pursuant to the North Carolina Racial Justice Act. (Doc. No. 4.) Burke filed his MAR in the Superior Court of Iredell County on August 6, 2010 and amended it on August 30, 2012. (Id.) Respondent shall have an opportunity to respond to the Motion before the Court decides the issue.

**IT IS, THEREFORE, ORDERED** that Respondent shall have 20 days from the entrance of this Order to respond to Petitioner's motion to stay and to hold federal habeas proceedings in abeyance. (Doc. No. 4).

**IT IS FURTHER ORDERED** that the Clerk of Court send a copy of this Order, the

Petition for Writ of Habeas Corpus (Doc. No. 1), and the Motion to Hold Federal Habeas Proceedings In Abeyance Pending Exhaustion of State Remedies (Doc. No. 4) to Barry McNeill (bmcneill@ncdoj.gov) and Jill Cheek (jcheek@ncdoj.gov) in the North Carolina Department of Justice, Capital Division, Post Office Box 629, Raleigh, NC 27602.

**SO ORDERED.**

Signed: October 9, 2012



Richard L. Voorhees  
United States District Judge

